

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Additionally, the remarks of the Amendment filed August 14, 2003 are incorporated by reference herein and for the sake of efficiency will not be restated. Thus, the Applicants believe that all of the claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Ms. Alberta A. Vitale, Esq., at (203) 469-8097 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Claim Amendments

Claims 1, 22, 24, 36 and 37 have been amended. A minor amendment was made to Claim 24. The amendments to the independent claims 1, 22, 36 and 37 are made for clarification - - to emphasize that Applicants' server can connect to a single activation module over the second network via a number of network nodes with different identifiers, the value of said identifier determining the activation of the local terminal. The subject matter of the amended claims is novel and inventive over the prior art for the reasons discussed herein.

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

I. Rejections under 35 USC § 102

The Office action rejected claims 1-5, 7, 12, 15-17, 22-25, 29-30, 34-35, 36, 37, 38, 39-41, 43, 44-46, 48, 49-51, and 53 under the provisions of 35 USC § 102 as being anticipated by the teachings of the Dillon patent (United States patent 6,067,561 issued to Douglas Dillon on May 23, 2000 (hereinafter Dillon '561)). This rejection is respectfully traversed.

A. Independent Claims 1, 22, 36, 37, 38, 39, 44 and 49

Applicants note that by the present amendment to claims 1, 22, 36 and 37, the rejection of claims 1, 22, 36 and 37 as being anticipated by the teachings of the Dillon '561 is overcome. Furthermore, Dillon '561 fails to teach each and every element of Applicants' independent claims 1, 22, 36 and 37, as amended, as well as independent claims 38, 39, 44 and 49.

Claims 1, 22, 36 and 37, as amended, are recited as follows, with present amendments emphasized with underlining:

Claim 1: A method for activating a local terminal connectable to a first network comprising the steps of:

selecting ~~a network node with an identifier~~ by a server, out of a plurality of network nodes with different identifiers for connecting to a local activation module via second network, a network node with an identifier;

transmitting, by the server and via the second network an activation code

Appl. No. 10/069,608

Amdt. dated September 10, 2004

Reply to Office Action of June 10, 2004

with the identifier of the selected network node to ~~a~~ the local activation module which is connected to the second network and to the local terminal; and activating, by the activation module and after receiving the activation code, the local terminal in accordance with the value of the identifier.

Claim 22: A server comprising selection means for activating a local terminal, in a plurality of ways, connected to a first network by selecting, ~~a network node with an identifier for an activation code~~ out of a plurality of network nodes with different identifiers for connecting to a local activation module via ~~of~~ a second network, a network node with an identifier.

Claim 36: A system for activating a local terminal connected to a first network, the system comprising:

an activation module which is connected to a server via a second network and to a local terminal, wherein:

the server comprises selection means to select, ~~a network node with an identifier~~ out of a plurality of network nodes with different identifiers for connecting to the activation module via the second network, a network node with an identifier and passing an activation code with the identifier of the selected network node to the activation module;

the activation module records the identifier so as to define a recorded identifier and activates the local terminal, after receiving the activation code, in accordance with a value of the recorded identifier.

Claim 37: A module for making a connection between a local terminal and a server, via a network, comprising:

means for receiving, from the server, an activation code, the activation code

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

comprising an identifier of a node selected by the server from a plurality of nodes with different identifiers for connecting to the module via which the server is connected to the network; and means for recording the identifier, so as to define a recorded identifier, and activating the terminal in accordance with a value of the recorded identifier.

Applicants respectfully submit that the present amendments put the claims in condition for allowance. However, assuming for the sake of argument that Applicants' amendments do not overcome the 35 USC § 102 rejections of the independent claims 1, 22, 36 and 37, Applicants submit the rejections of amended independent claims 1, 22, 36 and 37, as well as independent claims 38, 39, 44 and 49 are respectfully traversed in the foregoing remarks.

Applicants submit that Dillon '561 does not disclose the subject matter of Applicants amended independent claims 1, 22, 36 and 37 or independent claims 38, 39 44 and 49.

Dillon '561 discloses an electronic mail notification system and method comprising an e-mail server 12 with a front end computer 28 and subscriber terminals 20, 22. "More particularly, e-mail notifications are transmitted by a satellite transmitter 32 . . . [via] a satellite 33 . . . to subscriber terminals 18 (such as terminals 20 and 22 of FIG. 1) which have satellite signal receiving antennas 37." (Col. 6, lines 45-50). The subscriber terminals 20, 22 have "communicating means . . . to retrieve e-mail [messages] from the e-mail server 12."

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

(Col. 6, lines 11-16). These subscriber terminals 20, 22 can be "programmed to automatically dial in to the e-mail server 12 and retrieve e-mail messages for an e-mail alert service subscriber." (Col. 9, lines 22-25). Retrieval of the e-mail messages may take place over link 44. (Col. 9, lines 39-45; "e-mail may be downloaded via a link 44").

Dillon '561, however, does not disclose the claimed (selection means for) "selecting . . . a network node" with a corresponding identifier "out of a plurality of network nodes with different identifiers for connecting to . . . a second network," the "value" of which identifier is used to "activate" the "local terminal."

According to Applicants' claimed invention, the server can connect to a single activation module over the second network via a number of network nodes with different identifiers, the value of said identifier determining the activation of the local terminal. This is also explicitly explained, at page 2, lines 10-20 of the PCT publication, which states "[t]he activation by the PAT can also be made dependent on the "Calling Line Identifier" (CLI) or other node identifier which the server uses in its connection with the activation module" and clearly, the claims should be interpreted in this way. Further, this was also explained in Applicants' reply of March 24, 2004, at page 18, second paragraph, with reference to Mobin.

In contrast, Dillon '561 does not disclose, in any portion of the issued patent, selecting a network node with an identifier with a value at the server from a plurality of network nodes according to which value of said identifier

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

the local terminal is activated. In particular, the identifier mentioned in Dillon '561 at col., 8, lines 48-51, "[a]nother example is a broadcast data packet sent to all terminals but containing an identifier signaling to subscriber terminals that the broadcast data packet contains e-mail alert information," is not an identifier of a network node but rather an identifier in a data packet indicating that said packet contains a notification message. Dillon '561 does this to distinguish subscriber terminals as the notification message is broadcasted to all terminals.

Following this argument, Dillon '561 also does not teach activating a local terminal in accordance with the value of the identifier of a network node selected by the server.

Further, Applicants fail to understand how the Examiner extracts the concept of a plurality of nodes selected by the server from Dillon '561. It is unclear what "nodes connected to terminals such as 22, 24" (See Office Action, page 2, para. 2) means, as reference numeral 24 relates to a local area network (col. 6, line 22). Dillon '561 does not disclose selection of such nodes by the e-mail server 12. Applicants note that Dillon '561 does not describe how to distinguish between LAN-terminals 26.

Finally, Applicants fail to understand the relevance of the Office action reference to Dillon '561 at col. 10, lines 16-40. This citation to Dillon '561 discloses a conventional encryption technique, wherein a secret decryption key is inserted in a data packet to be parsed by the subscriber terminals 20, 22. This section

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

bears no relevance for the activation of the subscriber terminals 20, 22, at least not in accordance with a network node selected by the server.

For all of the above stated reasons, Applicants respectfully submit that independent claims 1, 22, 36, 37, 38, 39, 44 and 49 are not anticipated by Dillon '561. Withdrawl of the rejection is requested.

B. Dependent Claims 2-5, 7, 12, 15-17, 23-25, 29-30, 34-35 40-41, 43, 45-46, 48, 50, 51, and 53

Since dependent claims 2-5, 7, 12, 15-17, 23-25, 29-30, 34-35 40-41, 43, 45-46, 48, 50, 51, and 53 depend directly or indirectly from amended independent claims 1, 22, 36, or 37, or independent claims 38, 39, 44 or 45, based upon the amendments and/or reasons set forth above regarding claims 1, 22, 36, 37, 38, 39, 44 or 45, Applicants respectfully note that the 35 USC § 102 rejection of claims 2-5, 7, 12, 15-17, 23-25, 29-30, 34-35 40-41, 43, 45-46, 48, 50, 51, and 53 is traversed. As Dillon '561 does not disclose all the features of the independent claims 1, 22, 36, 37, 38, 39, 44 and 49 it cannot anticipate the dependent claims.

II. Rejections under 35 U.S.C. § 103

The Office action rejected claims 6, 8, 31, 42, 47, and 52 under the provisions of 35 USC § 103 as being obvious over the teachings of the Dillon '561 taken in view of the Smith patent (United States patent 6,333,973 issued to C. D. Smith et al on December 25, 2001 (hereinafter Smith '973)). This rejection too is respectfully traversed.

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

The Office action rejected claims 18-21 under the provisions of 35 USC § 103 as being obvious over the teachings of the Dillon '561 taken in view of the Gordon patent (United States patent 4,713,837 issued to A. Gordon on December 15, 1987) (hereinafter Gordon '837)). This rejection too is respectfully traversed.

The Office action rejected claims 32-33 under the provisions of 35 USC § 103 as being obvious over the teachings of the Dillon '561 taken in view of the Randall et al application (PCT published patent application WO 91/13510 published on September 5, 1991(hereinafter Randall et al.)). This rejection too is respectfully traversed.

The Smith '973, Gordon '837 or Randall et al. secondary references were addressed in the remarks of Applicants' response dated August 14, 2003 and the Preliminary Amendment filed March 23, 2004. Those remarks were incorporated by reference herein.

Regarding the dependent claims 6, 18-21, 31-33, 42, 47, 52, Applicants' note that Dillon '561 was applied as prior art under 35 USC § 102 and is applied as the primary reference in the 35 USC § 103 rejections in combination with another reference, either Smith '973, Gordon '837 or Randall et al. As Dillon '561 does not disclose all the features of the independent claims 1, 22, 36, 37, 38, 39, 44 or 45 it also does not make the dependent claims 6, 18-21, 31-33, 42, 47, 52 obvious when modified by the applied references. Hence, Applicants respectfully request that the 35 USC § 103

Appl. No. 10/069,608
Amdt. dated September 10, 2004
Reply to Office Action of June 10, 2004

rejection(s) of claims 6, 18-21, 31-33, 42, 47, 52 be
withdrawn.

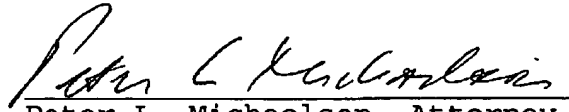
Conclusion

Thus, the Applicants submit that none of the
claims, presently in the application, is anticipated under
the provisions of 35 USC § 102 or obvious under the
provisions of 35 USC § 103.

Consequently, the Applicants believe that all
these claims are presently in condition for allowance.
Accordingly, both reconsideration of this application and
its swift passage to issue are earnestly solicited.

Respectfully submitted,

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